

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

DORIS ESTELL,

Plaintiff,

vs.

MENARD, INC., A Wisconsin Corporation;

Defendant.

8:16CV515

**ORDER SETTING SCHEDULE
FOR PROGRESSION OF CASE**

A Planning Conference was held in this matter on May 22, 2017. The parties have advised that they will mediate this dispute. Pursuant to Fed. R. Civ. P. 16 concerning matters of importance in scheduling this case, and in accordance with the matters discussed at the Conference,

IT IS ORDERED that the provisions of the Court's earlier, initial progression order remain in effect, and in addition to those provisions, for purposes of facilitating the parties' planned mediation, the following shall apply:

1. Discovery Deadlines:

- a. **Deposition Deadline.** All depositions, whether or not they are intended to be used at trial, shall be completed by **September 15, 2017**.
- b. **Written Discovery Deadline.** All interrogatories, requests for admission and requests for production or inspection, whether or not they are intended to be used at trial, shall be completed by **September 1, 2017**. Counsel may stipulate to extensions of time to respond to discovery requests in accordance with Fed. R. Civ. P. 29, but such extensions shall not extend any of the dates in this order; **any request to extend the deadlines of this order shall be sought by motion.**

2. Disclosure of Expert Witnesses.¹ Each plaintiff, counter-claimant, and cross-claimant shall identify expert witnesses by **May 1, 2017** and shall serve expert reports by **July 1, 2017**. Each defendant, counter-defendant, and cross-defendant shall identify expert witnesses by **August 1, 2017**, and serve expert reports by **September 1, 2017**. If necessary to refute the disclosed opinions of an expert witness of an opponent, a plaintiff, counter-claimant, or cross-

¹ A treating physician must be identified pursuant to Fed. R. Civ. P. 26(a)(2)(A), but a treating physician is not deemed to be "retained or specially employed to provide expert testimony in the case" so as to require a written report under Fed. R. Civ. P. 26(a)(2)(B).

claimant may disclose additional expert witnesses not later than **September 15, 2017**, provided that the disclosing party then provides all of the information described in Fed. R. Civ. P. Rule 26(a)(2) and makes the expert witness available for deposition prior to the date set for completion of depositions. Supplementation of these disclosures, if originally made prior to these deadlines, shall be made on these deadlines as to any information for which supplementation is addressed in Fed. R. Civ. P. 26(e). The testimony of the expert at trial shall be limited to the information disclosed in accordance with this paragraph.

3. **Mediation and Settlement.** The parties have advised the Court that they plan to mediate this dispute. **No later than June 12, 2017**, the parties shall file a joint report with the Court advising as to when the mediation will occur. If mediation is unsuccessful, the Court will schedule another planning conference to set additional case progression deadlines and set this matter for trial. **The Clerk of Court is directed to set a case management deadline in this case using the following text: “June 12, 2017: Status Report Due.”**

4. **Motions to Alter Dates.** All requests for changes of deadlines or settings established herein shall be directed to the assigned magistrate judge by appropriate motion, including all requests for changes of trial dates. Such motions shall not be considered in the absence of a showing by counsel of due diligence in the timely development of this case for trial and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 22nd day of May, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge